IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.56507-M of 2006

DATE OF DECISION:9.11.2006

Lalit Kumar Sharma .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Rakesh Kumar, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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Petitioner Lalit Kumar Sharma apprehending his arrest in a non-bailable offence in case FIR No. 238 dated 15.8.2006 under Sections 420 IPC and 15 of the Indian Medical Council Act, registered at Police Station City Phagwara, District Kapurthala, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that a dental clinic in the name of Sharma Dental Clinic is being run by the father of the petitioner, who is having valid registration certificates Annexures P-1 and P-2. Counsel contends that on 15.8.2006, mother of the petitioner was seriously ill, due to which father of the petitioner had gone to the house and the petitioner was sitting in the clinic. At that time, Senior Medical Officer conducted raid and sealed the medicines and other equipments alleging that the petitioner is running the said clinic without valid licence. Counsel contends that these allegations are totally false and the petitioner was only

sitting in the clinic in the absence of his father.

Counsel for the petitioner contends that in view of the order dated 15.9.2006, the petitioner has joined the investigation. Counsel for the respondent-State on instructions from Baldev Singh ASI does not dispute this fact and further states that the petitioner is no more required for custodial interrogation.

In view of the above, the interim bail, granted vide order dated 15.9.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

November 9, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**